

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 42 BOARD OF SOCIAL WORK EXAMINERS

Chapter 03 Code of Ethics

**Authority: Health Occupations Article, §§1-212, and 19-101—19-502, Annotated
Code of Maryland**

.01 Scope.

This chapter applies to all individuals licensed by the Board of Social Work Examiners including:

- A. Licensed certified social workers-----clinical;
- B. Licensed certified social workers;
- C. Graduate social workers; and
- D. Social work associates.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Board of Social Work Examiners.

(2) "Client" means the individual, couple, family, or group to whom the licensee is rendering professional service.

(3) "Inappropriate sexual language" means:

- (a) A sexualized harassing comment;
- (b) An eroticized or sexually provocative comment not reasonably associated with a health care matter; or
- (c) An inappropriate discussion of a sexually related matter.

(4) "Sexual behavior" means:

- (a) A sexual act as specified in Criminal Law Article, §3-301(e) and (g), Annotated Code of Maryland; and
- (b) Sexual contact as specified in Criminal Law Article, §3-301(f), Annotated Code of Maryland.
- (5) "Sexual exploitation" means a situation in which the licensee takes advantage of the unequal relationship between the licensee and client, a student, or a supervisee to obtain sexual favors.
- (6) "Sexual harassment" means a deliberate or repeated comment, advance, gesture, solicitation, request, or physical contact of a sexual nature.
- (7) "Supervisee" means the individual to whom the licensee provides professional, educational, or administrative supervision or direction.
- (8) "Therapeutic deception" means a representation by a licensee that sexual contact or sexual activity by or with the client is consistent with or part of the client's treatment.

.03 General Conduct.

A. The licensee shall:

- (1) Apprise the client of the risks, opportunities, and obligations associated with services available to the client;
- (2) Make the fee for service clear, maintain adequate financial records, and confirm arrangements for financial reimbursement with the client;
- (3) Notify the client promptly and seek the transfer, referral, or continuation of service in relation to the client's need or preference if the licensee anticipates the termination or interruption of service to the client;
- (4) Obtain voluntary and informed consent from a client for participation in research, without direct or implied deprivation or penalty for refusal to participate;
- (5) Maintain documentation in the client's record which:
 - (a) Is legible;
 - (b) Accurately reflects the services provided, including treatment plans, treatment goals, and progress notes;
 - (c) Indicates the time and date the services were provided;
 - (d) Protects the client's privacy by including only information directly relevant to the delivery of services;
 - (e) Is sufficient and timely to facilitate the delivery and continuity of services to be delivered in the future; and
 - (f) Is reasonably accessible for the period required by law, after termination of services;
- (6) Inform the Board of unethical conduct by a licensed social worker; and

(7) Inform the Board about an individual who is not licensed by the Board but who represents that the individual is a social worker and is practicing, attempting to practice, or offering to practice social work.

B. In the capacity of or identity as a licensed social worker, the licensee may not:

- (1) Participate or condone dishonesty, fraud, deceit, or misrepresentation;
- (2) Misrepresent professional qualifications, education, experience, or affiliation;
- (3) Exploit a relationship with a client for personal advantage or satisfaction;
- (4) Engage in solicitation which amounts to fraud, intimidation, or undue influence, including but not limited to in-person, telephone, or direct mail solicitation;
- (5) Practice, condone, facilitate, or collaborate with discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or other preference or personal characteristic, condition, or status with an individual or group of individuals;
- (6) Engage or participate in an action that violates or diminishes the civil or legal rights of a client;
- (7) Share with another individual a confidence revealed by a client without a client's consent, except if there is danger to self or to another individual, or for a compelling professional reason; or
- (8) Share a fee or accept or give something of value for receiving or making a referral.

C. The licensee may not enter into a nonprofessional, social, or dual relationship with a client, or an individual with whom the client has a close personal relationship.

.04 Sexual Misconduct.

A. The licensee may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:

- (1) Inappropriate sexual language;
- (2) Sexual exploitation;
- (3) Sexual harassment;
- (4) Sexual behavior; and
- (5) Therapeutic deception.

B. Concurrent Sexual Relationships. The licensee may not engage in either consensual or forced sexual behavior with:

- (1) A client;
- (2) A student or supervisee over whom the licensee exercises professional authority or with whom the licensee maintains direct supervision or education while the professional relationship continues to exist; or

(3) An individual with whom the client has a close personal relationship, including but not limited to a relative or a significant individual in the client's life, when there is a risk of exploitation or potential harm to the client.

C. Relationships with Former Clients.

(1) Except as set forth in §C(3) of this regulation, the licensee may not engage in sexual behavior with a former client.

(2) The licensee may not terminate professional services or a professional relationship with a client in order to enter into a nonprofessional, social, or sexual relationship with the client or an individual with whom the client has a close personal relationship.

(3) The licensee may enter into a relationship with an individual with whom the licensee's prior professional contact was of a brief, peripheral, consultative, or indirect nature, and did not constitute a therapeutic relationship.

D. Prior Sexual Relationships. The licensee may not provide professional services to an individual with whom the licensee has previously engaged in sexual behavior.

E. Sexual Harassment.

(1) The licensee may not sexually harass a:

(a) Client;

(b) Student; or

(c) Supervisee.

(2) If sexually harassed by a client, the licensee shall:

(a) Seek professional consultation with another licensed health professional;

(b) Redefine the professional plan of action in writing in the client's record, documenting all action taken in the client's treatment plan; and

(c) Terminate therapy and assist in a referral to another health care provider.

F. Deceit During Therapy. The licensee may not:

(1) Engage in sexual activity with a client or an individual in a close personal relationship with the client, on the pretense of therapeutic intent or benefit;

(2) Represent to a client or individual in close personal contact with the client that sexual contact or activity by or with the licensee is consistent with or part of the client's therapy;

(3) Suggest, recommend, or encourage the client to engage in a sexually provocative act, including but not limited to:

(a) Sexual contact with the licensee,

- (b) Genital stimulation by or of the client or licensee,
- (c) Undressing by or of the licensee in the presence of the client, or of the client in the presence of the licensee, and
- (d) Discussion or disclosure of a sexually provocative or erotic nature, not necessitated by treatment

.05 Physical Contact.

A. The licensee engaging in physical contact with a client as an accepted component of a professionally recognized, nontraditional treatment modality shall document in the client's record:

- (1) An assessment of the client;
- (2) A written rationale for the use of the treatment modality for the client; and
- (3) A copy of the informed consent, signed and dated by the client and the licensee, which addresses:
 - (a) The risks and benefits of the treatment modality,
 - (b) The objective or objectives and intended outcome or outcomes of the proposed treatment,
 - (c) Available alternative interventions, and
 - (d) A description of the physical contact which may be reasonably anticipated by the client in the course of the proposed treatment.

B. The licensee may not engage in a treatment modality involving physical contact when the risk of psychological harm to the client, as a result of the physical contact, such as cradling or caressing, has been assessed by the licensee to outweigh the possible benefits of the treatment, independent of the client's wishes.

.06 Sanctions.

A. The licensee who engages in sexual misconduct with a client or supervisee is subject to sanctions by the Board.

B. A sanction constitutes the minimum disciplinary measure and does not preclude the Board from imposing additional penalties as it deems appropriate to an individual case.

C. The Board shall advise the Association of Social Work Boards of the suspension or revocation of a license on the grounds of sexual misconduct.

D. The licensee may not prohibit the client from reporting sexual misconduct as a condition of settlement of a legal cause of action.

Administrative History

Effective date: May 23, 1983 (10:10 Md. R. 873)

Regulation .02E amended effective April 2, 1990 (17:6 Md. R. 741)

Regulation .02G amended as an emergency provision effective September 15, 1993 (20:20 Md. R. 1565); amended permanently effective December 1, 1993 (20:22 Md. R. 1707)

Regulations .01—.02 repealed and new Regulations .01—.06 adopted effective October 4, 1999 (26:20 Md. R. 1546)

Regulation .03 amended effective August 5, 2002 (29:15 Md. R. 1142)

Regulation .06 amended effective August 5, 2002 (29:15 Md. R. 1142)